

C4

THE
OLD and NEW
MINISTRY
Compar'd, &c.

THE
OLD and NEW
MINISTRY

Compard. &c.

T H E
OLD and New
MINISTRY

C O M P A R ' D ,

As to These

Three G R A N D P O I N T S :

- I. Bribery and Corruption from *France*.
- II. A Partition of the *Spanish* Monarchy.
- III. The Plea of the Prerogative of the Crown , in making *Peace* , *War* , and *Alliances*.

Sit mihi fas odisse viros. Virg.

L O N D O N :

Printed for *A. Baldwin*, near the *Oxford-Arms*
in *Warwick-Lane*. MDCCXI. Price 6 d.

THE OLD and NEW MINISTRY

COMPARISON

As to Their

Three GRAND POINTS

- I. Bribery and Corruption from Power.
- II. A Partition of the Jewish Monarchy.
- III. The Power of the Crown, in making Peace, War, and Advances.

46

393

in which the Author has

LONDON:

Printed for A. MILLAR, at the Golden-Door, in Warwick-Lane. The 5th Edition.



T H E
Old and New Ministry
 Compar'd, &c.

WHoever duly Considers the Crisis we are now arriv'd at, cannot enough admire at our good Fortune in the late wonderful Change of our Domestick Affairs. What a Happiness is it to this Nation at this Juncture, when Matters of so great Importance both for *Church* and *State*, are upon the *Theatre*, to be in the Hands of a *Ministry* that we can so entirely rely upon! Were the Late *Ministers* now in Power, what should not we have Reason to apprehend! Now that there is no more to be got by Carrying on the War, they might have wound up their Bottoms delicately, by making a bad *Peace* for *Us* and *Our Allies*, and a good One for *France*; on which Occasion they might in all probability have met with a better Opportunity of Gratifying that insatiable Avarice which has been so *Fairly* prov'd upon them, than ever they had, during the whole Course of the *War*. By a modest Computation it may be suppos'd that *France* would lay out *five Millions* at least in *England* to Break the *Alliance*, and Confirm her self

A by

by a *Treaty* in the Possession of *Spain* and the *Indies*; which would have been a pretty Sum to have been divided amongst the *Junto*: The *Peace* would have been huddled up by some of their *Tools* without the Consent of *Parliament*, like the last *Partition-Treaty*, and then the *Prerogative* would have been pleaded in full Justification of all that they had done.

Whenever I take a view of these things, I cannot but stand amaz'd at our present happy Condition! Now that we are blest with a *Ministry* that has nothing but the Good of this Nation at heart, and with a *Parliament* that has espous'd the Interest of the *House of Austria*, so far as to approve of *Her Majesty's Resolution* to add to the Dignity of *King of Spain*, the Grandeur of the *Imperial Throne*. But lest some People should not be altogether so sensible of these Happineffes from what has been said as I am, I shall endeavour to explain my self more largely.

I shall shew what Measures the *Old Ministers* would, in all probability, have taken at this Juncture; and then by considering what the *New* are now doing, and what we have the greatest Reason to expect from them, demonstrate to all impartial Persons, the vast Advantages this Nation will reap by the late Change. This I think the most proper Method in order to keep up in our Minds a lively Sense of the Danger we have escap'd, as well as at the same time to make a due Impression of the Blessed Circumstances we are now in.

The Three material Points I shall treat of, are these following:

First,

First, I will shew the Danger we should have been in at this time of Day from Bribery and Corruption on the Part of *France*.

Secondly, The Hazard we should have run, of having the Glories of this Reign like those of King *William's*, sullied by a *Felonious Partition-Treaty of the Spanish Monarchy*.

Thirdly, The Probability that a Peace would have been made without the Consent of *Parliament*, by vertue of the Prerogative.

When I have prov'd these things as well as I am able, upon the *late Ministry*, I shall apply my self to shew from convincing Arguments, and known Facts, that there is no Reason for any such Apprehensions at present; but that the *Bribes of France*, tho' never so great, will be refus'd; The *Spanish Monarchy* restor'd to the *Emperor*; and the Peace made by *Advice and Consent of Parliament*, and not by vertue of the *Prerogative*.

First, I will shew the Danger we should have been in at this Time of Day from *Bribery and Corruption* on the Part of *France*.

I suppose every one will own 'tis lost Time to go about to bring many Examples, to prove that *France* would attempt, if there was any prospect of Success, to offer great *Sums of Money*, and Considerable *Pensions* to our *Ministers of State*, on such an Occasion as now pre-

sents it self. The History of almost every Reign affords Instances enough of this Nature, and on Occasions of much less Importance than this. To go no farther back than King *Charles* the Second's Time, 'tis universally known, that not only the *Ministers*, but even the *Prince* himself was Corrupted by the *French*, when their unhappy Project of *Universal Monarchy* was but in its Infancy; 'tis then most certain, that they would not spare any thing now, when it seems to be so near arriving at its wish'd-for End; nay, I may more properly say, is already arriv'd at it by the Addition of *Spain* and the *Indies* to the *House of Bourbon*; so that *France* wants nothing else but to bribe highly once more, to secure her self against any future Human Opposition. From whence it is evident beyond doubt, that our Enemies would bestow Millions at this Conjunction: All that I am to prove, is, that the *late Ministry* would have accepted of their Offers; and this I can easily do by so authentick a Paper as *The Representation of the present House of Commons*. It appears by that *unanswerable* Piece, that the *late Ministers* were guilty of manifold Frauds and Depredations, and that Five and thirty Millions and upwards are unaccounted for: All which being taken for granted; who can doubt but that those Men who so barbarously robb'd their Native Country of such prodigious Sums, would not make any Difficulty of taking all they could get from *France* to finish their imperfect Fortunes? There is no Man so much a Friend to the *late Ministry* as to dispute this; and consequently it must be allow'd on all Sides, that if they were now in Power, they would *as certainly* accept

accept of the Bribes which *France* would offer them, *as 'tis evident* from the Representation above-mention'd, that they Plunder'd their Fellow-Subjects during the whole Course of their Administration.

This Argument will also farther make out, that They, I mean the *present Ministers*, who have taken so much pains to detect the Evil Practices of their Predecessors, *purely out of Zeal for the Service of their Country, and without any Party-Considerations*, can never be induc'd by any private Advantages, tho' never so great, to give into any Measures that may endanger, not to say ruin, the Publick.

I must indeed confess it is but reasonable, that the *present Ministry* should be Rewarded for the mighty Services which they have done this Kingdom and all Europe, *France only excepted*. Nor can there be any doubt, but that as the Nation grows *sensible of their Merits*, they on their Part, will *feel the Nation's Gratitude*. This I think may suffice for the first general Head I propos'd to speak to: Let us now proceed to the next.

Secondly, The Hazard we should have run of having this Glorious Reign like that of King *William*, sullied by a *Felonious Partition-Treaty* of the *Spanish-Monarchy*.

That the *Whigs* would have been for such a Treaty, we may conclude from these Two Reasons: First, from what has been already said, they would have been brib'd to it by *France*: And in the next Place, they would have gone into it, in order to have justify'd their

their former Conduct, by shewing that such a *Treaty* was the only Method to have prevented all that Expence of Blood and Treasure, which has been since occasion'd by this *War*. Their Emissaries would have argued after this Manner: You see now the *Partition-Treaty* was a wise Expedient; for all we have got by this long successful War, is nothing else but a Partition of the *Spanish* Monarchy. Therefore if the *French King* had remain'd by it at first, this War, with all its dreadful Consequences of Debts and Bloodshed, would have been avoided. Besides, they would certainly have laid hold of this Opportunity of magnifying the *Danger* of the *Emperor's* having *Spain*, and with that and other specious Arguments, such as the *Abuses* which have been put upon us by our *Allies*, and our own *miserable Condition*, they would have deluded the Common People, and wrought up the ignorant Multitude into a belief that they were acting like true *Patriots*, when in reality they were only making good their Part of the *Bargain* with *France* by delivering us up to the *Pretender*.

I hope these Arguments will Convince others as much as they do me, that the *Whigs* would have acted in the manner above-mention'd at this time, tho' our Ruin would have been inevitable.

Now to demonstrate that the *Church-Party* will certainly avoid such ruinous Measures, we need only call to mind with what Heat they condemn'd the last *Partition-Treaty*, just before the beginning of this *War*. Who do's not remember the warm Debates in both Houses on that account? Was there ever a bolder

bolder Speech made by mortal Man, than when Mr. H---w charg'd the Crown with Fe---y on that Head? But because Words perhaps may not be remembred so well as one could wish, let us have recourse to a Book written at that time by a Man, whose Name was Considerable amongst the Friends of *the Church and Landed-Interest*, and who is known to be entirely in the Interest of both at this present, and still speaks the Sense of our whole Party, as he did then.

In the 20th Page of Dr. *Davenant's Essay upon the Ballance of Power*, we are told by that *Learned Civilian*, that the People will always resent it highly from the *Ministers*, when they advise the Prince to enter into Alliances, of which the ill Consequences are plain; and the good ones doubtful, if not impossible; but more especially when they form *Treaties*, that at first View strike Men pale with Fear and Horror: And which even the most vulgar Capacities can discern to be Diametrically opposite to the Nation's Interest, and to the common Rules of Policy. Such a Taste of our selves, 'tis to be fear'd, we have given, by entering into the late *Partition-Treaty*, that 'tis to be apprehended, our Neighbours can have no Value for a People, who were thus to be over-reach'd. 'Tis true, our Armies have been dreadful in the Field; but are they to be fear'd, who after all their Martial Toils, cou'd be so easily defeated in the Cabinet? What is Good and Right in it self will bear any Sort of Scrutiny: Bad Times and weak Governments only cannot bear any Enquiry. When a Council is found, and for the Publick Good, bring it to the Test, it receives a general

Ibid. Pag. 32.

Pag. 43.

neral Approbation ; and they who find Fault only expose themselves: But if it visibly thwarts the National Interest, *if it looks so partial, that nothing could produce it but Corruption in the Ministers* ; and if it carries with it apparent Dangers, 'tis fit it should be laid open: Private Persons should expose it with what Talents they have ; they shou'd do their best to inform and awaken the People, whose Cries are certain at last to reach the Prince's Ears.

Ibid. Pag. 44.

If a private Person sees the *Men of Business* have enter'd into Measures *destructive* to the Protestant Interest throughout all Europe : If he perceives, that a desperate Faction of baffled and branded Statesmen (in order perhaps to preserve their own Power, by the Countenance of a Foreign Court) have form'd Leagues, which in their Consequences may probably reduce the whole World under the Dominion of one Kingdom : If a private Person should be sensible of all this, does not his Honour, the Love to his Country, and Duty to his Prince, call him to Act, Speak, or Write what he thinks may be for the Publick Service ? 'Tis to be fear'd, that there be too many in this Nation, who, to have

Ibid. Pag. 52.

Power, would give up Liberty. The Authors of our Misfortunes could not but foresee, that the prodigious Increase of Power and Strength, which the *Partition-Treaty*, had it taken Effect, gave to the French, would to the last Degree have alarm'd all the Thinking Men of England. As soon as their *Treaty* was made publick, they cry'd it up amongst the Obsequious Herd ; these they perswaded to approve of a Council that did so plainly put an aspiring Monarchy into a better

Ibid. Pag. 54.

better Posture both at Sea and Land, to enslave Europe, than it was before the War: They themselves immediately became of a *Foreign Faction*, which they had so much exploded. They, whose Principle it had heretofore been, That *Parliaments had a Right to enquire into Leagues and Alliances, and to be consulted in Matters which had Relation to War and Peace*; came presently to give up that Essential Point, and to have *nothing in their Mouths but the Prerogative*. If any Mischief happens to Europe, 'tis they must answer for it, who were the *Authors* of this Counsel. And who can more reasonably be thought the *Authors of an Advice*, than they to whom the Advantage of it is to redound? Did not this Treaty make England a strict Ally with France? which is the Best Crop, and most Profitable Game that Corrupt Statesmen could possibly wish for.

P. 54.

P. 57, 58.

So false were their Representations, that the Treaty was no sooner divulg'd, but all Mankind here express'd their Aversion to it; It had not a single Advocate in England, except those who were suspected to be its Contrivers, and a few of their Partakers. But to sum up their Ill Conduct: Their Corruptions make them love Dark and Secret Councils: This put 'em upon Entering into such a Treaty, without Advice of Parliament: It has set up such a Formidable Power, as may in no long Track of Time bring this Side of the World under one Superstition, and subject the best Part of Mankind to the Tyranny of one single Person.

P. 60.

P. 71.

P. 78.

We may be divided in other Matters ; but sure we shall unite in this Point, Not to submit to a Foreign Yoke. I may go farther, and say, That he does not deserve the Name of an *Englishman* ; who is not desirous to obviate remorer Fears ; and who is not willing to spill his last Drop of Blood ; rather than the *French* should be left in a Condition to insult and subdue one Nation after another ; till at last they have form'd a Power which nothing shall be able to resist. *Spain*, in whatever Hands it be, must have no more *French* Garrisons in any of its Dominions, and must be no longer under the Influence of *French* Councils : For nothing less can secure our Trade ; and make *Flanders* a Barrier to *Holland* : And to be satisfy'd with less, will neither consist with our Honour nor our Safety.

P. 79.

P. 86.

These Passages, which I have fairly quoted from a Work receiv'd with as much Applause by the Friends of the Church and Monarchy, soon after the last Partition-Treaty, as the Conduct of the Allies, &c. is at this Time of Day, must needs convince us that they will take different Measures, and hazard every thing, rather than not wrest the Monarchy of *Spain* from the House of *Bourbon*. It is true, the *Whigs* would have said the Case is now alter'd by the late Emperor's Death, and would have pretended that there might be Danger in making the now Emperor too great, as has been hinted above : But that Accident was foreseen even before this War began ; and they that knew that the *Spanish* Monarchy might be united to *France*, in One Prince

Prince of the *House of Bourbon*, by the Duke of *Burgundy's* or the Duke of *Anjou's* wanting Heirs Male, could not but foresee that the same thing might happen in the *House of Austria*: But then they apprehended no Danger on that Account. For we may learn from the Author before us, in his Essay upon *Universal Monarchy*, that the Constitution of the Empire, and the Condition of *Spain*, secure us against any Fear of *Universal Monarchy* from them. *Germany*, says he, is Canton'd into so many Principalities, which are so jealous of their own Liberties, and so divided in their own Interests, that they can never attempt any Considerable Matter, being rather an Empire for Preservation than Increase. *Spain*, the Dr. represents, even before this War, as a Country buried in Sloth, entirely exhausted of Men and Money, and compell'd to throw themselves into the Arms of *France*, which, in his Opinion, seem'd to be the Nation that had even at that time (without the Addition of *Spain* and the *Indies*) the fairest Prospect of *Universal Monarchy*. But the Author's Words are worth repeating.

Ball. Pow.
268.

P. 262.

It is a melancholly Consideration, that we can no longer say the *House of Austria*, the Two Branches of which preserv'd the Balance of Power, and weigh'd in the Scale against *France*; we must now say the *House of Bourbon*. With what Mischief do's not the Conjunction of such mighty Kingdoms threaten the World? Such a Monarchy would be

P. 275.

so strong, that all the rest of *Christendom* would be utterly unable to resist it.

Here we see this *Solemn Banter* of an *Exorbitant Power* in the House of *Austria*, sufficiently refuted; and if there was occasion for any more Arguments to demonstrate, that the *present Ministry* will never Consent to a Dangerous *Partition-Treaty*, I might mention that this was an *Article of Impeachment* against a *Noble Lord*, even before so many *Votes and Resolutions* of both Houses of *Parliament* were Pass'd in direct Opposition to it. And who then that has any Love, any Tenderness or Concern for the *present Ministry*, can think of any such thing without Trembling? The very Idea of it makes me hasten to my next General Proposition.

Thirdly, The Probability that a *Peace* would have been made, without the Consent of *Parliament*, by vertue of the *Prerogative*.

This I am apt to think will not be disputed by any one that is acquainted with Publick Affairs; for it is notorious, that they who were concern'd in the last *Partition-Treaty*, endeavour'd to have excus'd themselves by insisting on the King's positive Commands. Thus it was laid at the Door of the *Prerogative*; and 'tis as certain that they would have been for flying to the same Shelter again, as 'tis, that they who exploded that Subterfuge, will not make use of it now. But to put this beyond all dispute, I shall once more have recourse to the Author above-mention'd. He
has

has taken great Pains to write an Essay upon this Head, in pursuance of what he had promis'd in a former Treatise; which was to demonstrate, that the Method observ'd by all our Ancestors, have ever been from the Time of *William the Norman* downward, not to make Declarations of War, *Conclusions of Peace*, Truces, Leagues, Alliances, nor indeed to Transact any important Matter, especially with the Realm of *France*, without Advice of *Parliament*. And this, says he, has been so much the constant Practice of all former Ages, two or three Reigns excepted, that it seems to have been one of the Fundamental Constitutions of this Kingdom.

Ball. Pow.
Pag. 92, 93.

In the beginning of his *Essay*, the Dr. tells us: I cannot find when or how this Doctrine crept in, *That the Right of making War and Peace is indefinitely, without any sort of Distinction or Restriction, vested in the Kings of England*. But certainly they who advance it have neither read our Histories, nor consulted our Records. But upon this Notion King *Charles II.* was persuaded to say to the Commons, who in 1677. advis'd him to a War with *France*, and to enter into certain Leagues for the Preservation of *Flanders*; *That they intrenched upon so undoubted a Right of the Crown, that he was confident it would appear in no Age, (when the Sword was not drawn) that the Prerogative of making Peace and War had been so dangerously invaded.* These and the like Words having sometimes come from the Throne, has given me the Curiosity to consult those Authors, who are accounted the Fathers of
our

Essay on Peace, War, and Alliances.

Pag. 132, to 168.

our Law, to see whether such *Suggestions* of the *Ministers* were supported by any Ancient Authorities; And truly he, who makes this Search, will find them either silent in the Point, or laying down Maxims quite of another Nature.

Ranulphus de Glanvilla, (who liv'd in the Reign of Henry II.) in his *Tract of the Laws and Customs of England*; tho' he has often occasion to mention the Right of the Crown, says nothing of this *Prerogative*. Nor is it contain'd in the Book call'd *Fleta*, written in the same Reign. *Bracton*, who is suppos'd to have liv'd in the Time of Henry III. and whose Writings shew him to have been an able *Statesman*, as well as a sound *Lawyer*, in one Place enumerates all the Principal Rights of the Crown (*Lib. 2. Cap. 24.*) where it seems explain'd how far the King has the Power of War and Peace. He says he has the *Material Sword*, as it has Relation to the Kingdom's Government; and what belongs to Peace, as far as he is to protect the People, and to provide that they may not injure one another.

Horn, who treats of Government in his *Speculum Justitiariorum*, written according to the best Conjectures in the time of Edward II. sets up no such *Prerogative*; and yet he takes notice of those that were very antiently esteem'd to be vested in the Crown. But in his Chapter, *De Abusion de la Common Ley*, he comes very closely to this Point, where he reckons it a part of the Common Law, That *Parliaments* should be frequently call'd and consulted to correct Abuses; and represents it as a Breach

upon our Constitution in his Time, That Affairs were managed by the Advice of a select Number ; That Things were govern'd by those who had not the Courage to oppose ill Measures , who never gave any Counsels but such as they knew would please, and suited with the Prince's private Interest, and not with the Publick Good ; And that Parliaments were not advis'd with , but only call'd together to give Money.

Britton, who liv'd in the Reign of Edward the First, in his Book compil'd by the King's Command, and which runs in his Name, has a Chapter which treats of the *Regal Rights* ; and yet there we find the Prince claiming no such Prerogative or Right : Nor is the Doctrine to be found in Littleton, who wrote in the Time of Henry the Sixth.

Sir John Fortescue, vers'd in Politicks as well as in the Law, Chancellor to Henry the Sixth, in his Book *De Laudibus Legum Angliæ*, does not endeavour to poison young Prince Edward's Ear with any such Arbitrary Notions.

Henry the Eighth, a Prince of Inclinations despotical enough, could not, as I can find, influence his Judge Fitz-herbert, to fix any such Right in the Crown, tho' he has copiously handled the Matter of Prerogative ; nor is it to be found in my Lord Coke's *Institutes* ; or *Reports* : On the contrary, where he discourses of the Matters of Parliaments : He says, *They are touching the King, the State of the Kingdom of England, and the Defence of the Kingdom, &c.* and remarks that these Words of the Writ, *The State and Defence of the Kingdom*, are large Words, and include the rest. He observes they are called, *Ad faciendum & consentiendum super Negotiis antedictis.* IF

If this had been a *stated* certain *Doctrine*, a *Right*, and an undoubted *Prerogative*, 'tis impossible all these Ancient and Great Men of the Long Robe should have been silent in the Point. We have therefore Reason to believe, *That these and the like Notions were started by Modern Flatterers, who hoped to promote themselves by advancing the Prerogative beyond the Intentions of our Laws.*

Did it consist with the Brevity intended in this Discourse, I would plainly shew, that till of late Years, neither in *France* nor *Spain*, nor indeed in any of the Governments form'd after the *Gothick Model*, did *Kings* ever pretend to make *War*, *Peace*, or *Alliances*, without the Consent of their People assembled for that Purpose. And in *England* the Presidents in this Point are as clear, as they are numerous, from the Time of *William the Norman*, downwards.

Pursuant to this, *William I.* when he design'd the Invasion of *England*, consulted his *Barons*, and *Great Men of Normandy*; and with their Advice undertook the Expedition.

William Rufus thought the *Barons* had such a Concern in what related to *Peace* and *War*, that the *Peace* which was made between him and his Brother *Robert*, was sworn to by 12 *Barons* of each Nation.

In the next Reign, which was that of *Stephen*, the *Peace* which was made between him and *Hen. Fitz-Empress*, (who had the true Title to the Crown) was Confirm'd and Sworn to by the *Prelates*, *Barons*, and all the *Great Men* of the Realm. *Gervasius*, the Monk, is yet more particular in the Point; who says, the

Chronicon
Col. 958.
N. 30.
Col. 479.
N. 30, &c.
Col. 2339.
N. 20, 30.

Chronicon
Col. 216.
N. 20, &c.
Col. 986.
N. 50.

Mat. Paris,
p. 86. N. 20.
Chronicon
Col. 1375.
N. 1.

the Earls, Barons, and Great Men of the Realm, Swore to, and Confirm'd the Peate.

In the next Reign, which was that of *Fol. 317.*
Hen. II. Hoveden tells us, how that some Dis- *N. 20.*
 ferences had happen'd between *Alphonso* King
 of *Castile*, and *Sancho* King of *Navar*; both
 these Princes had agreed to make King *Henry*
 Arbitrator in the Matter: Each consign'd
 Three Castles, which were to be forfeited by
 him who refus'd to stand to the Award;
 and for this a Treaty had been sign'd. The *Ibid. Fol. 350.*
King did not think fit to make any Determi- *N. 40, 50.*
 nation in this Point, but in his High Court
 of *Parliament*, where he order'd the Ambassa-
 dors to deliver what they had to say. Their
 mutual Demands one upon another were pro-
 duc'd: After which the *Earls* and *Barons* of *Ibid. Fol. 322.*
 the Royal Court of *England* adjudg'd plenary *N. 20.*
 Satisfaction to be made by each Party, of
 what was rightfully demanded by the other
 upon the Premises.

And as *mad* as the World was in that Age,
 of going to the Holy Land, our Princes did
 not think they should undertake even those
 Expeditions, without the *Advice* and *Assent* of
 their *People*. For the same *King* having de- *Ibid. Fol. 366.*
 sign'd a *Crusado*, call'd a General Council at *N. 20.*
Gaintington, of the Prelates, Earls, Barons,
 and many others, as well of the Clergy, as
 of the Laiery; and there communicated to
 'em the Articles agreed upon between him
 and *Philip* of *France*, for this Expedition.
 And *Gervasius* tells us, that in this General
 Assembly of the Estates in *England*, the Con-
 ditions,

Chronicon
Col. 1522.
N. 1.

ditions, Form, and Method of the Crusado were debated and agreed upon.

P. 155. N. 50.

In the next Reign, which was that of *Richard I.* *Matthew Paris* tells us, that *Philip Augustus*, King of *France*, sent Ambassadors to *Richard*, signifying, that he and his Barons had devoted themselves by Oath, to an Expedition for the Holy Land; desiring, that *Richard* and his Barons would do the same. Whereupon *Richard* assembled at Westminster, a Council of the Prelates and Great Men; and communicated to 'em this Embassy: And in that Assembly the said Expedition was resolv'd upon.

Chronicon
Col. 2419.
N. 30.

In the next Reign, which was that of King *John*, we find indeed a King doing Things of the highest Consequence, and making Treaties without the Assent of his Barons and Great Men. But what Effect did these Measures produce? Did not this Prince, as much as in him lay, render himself and the Nation Vassals and Tributary to the Pope, by the Surrender he made of his Realm to *Pandulphus*, the Pope's Legate, and by the Charter he sign'd to that Purpose? This Treaty which King *John* enter'd into, without consulting the Barons and Great Men of the Kingdom, produc'd innumerable Mischiefs in the Reign of *Henry III.* his Son. For, as *Matthew Paris* tells us, under Colour of this Charter, the Pope made very great Exactions upon the Clergy; which being upbraided to him by the Emperor's Ambassadors, (who at that time desired his Aid) he gave this shame-

P. 524. N. 20.

shameful Answer, *That he ought to obey the Pope, and his Ecclesiastical Commands, in regard he was his Vassal and Tributary.* And in Return of this, the Pope assisted Henry in all the *Invasions* he made upon the *Liberties* of the *People*. To such Inconveniencies may whole Nations be brought, *by an Alliance concerted only in the Court*; to which Foreign Princes may perhaps think the People bound, tho' (as in this made by King *John*) they never consented to it.

In the next Reign, which was that of King *Henry III.* the Parliament refused to grant him an Aid for the Supply of his Treasury, which he said had been exhausted by Payment of his Sister's Portion to the Emperor, and by his own Wedding; because those Things had been done without the Advice and Consent of Parliament.

Mat. Paris, p. 435. N. 40.

And in the same King's Reign, the Parliament told the King, when he desir'd an Aid to carry on a War against *France*, wherein he had been engaged by the *Poictouins*; *That he had undertaken that War unadvisedly; and that they wonder'd he would undertake so difficult and dangerous a Business, without their Advice and Assent.*

Ibid. p. 580. N. 10, 20.

In the next Reign, which was that of *Edward I.* the King call'd a Parliament, by their Advice to determine the Right between the several Competitors for the Crown of *Scotland*; and Sentence in that Great Cause was accordingly pronounc'd Judicially by the

Rot. de Super. Reg. Ang. in Reg. Scot.

King, by the Advice of the Prelates and Noblemen.

P. 421. N. 20.

The same King (as Matthew of Westminster tells us) in the 21st Year of his Reign, Summon'd a Parliament; where the State of the War was open'd, the Embassies were related, and those who had been employ'd by the King in Foreign Negotiations, gave an Account of their respective Transactions; and this in a full Assembly, where all assented to recover Gascony by Force of Arms. And in this Parliament an Aid was granted, and an Embargo laid upon our own Ships.

Confed. int.
Reg. & Com.
Fland. Rot.
Pat. 25. Ed. 1.
p. 1. Mem. 18.

The same Edward, by Advice of his Prelates, Earls and Barons, made Alliances and Covenants with his Friends (and particularly with the Earl of Flanders) against France, who was grown too powerful.

Rot. Ord. 5.
Ed. 2. N. 9.

In the next Reign, which was that of Edward the III, in the Fifth Year of the King, it was enacted, That the King should not undertake a War, nor appoint a Guardian or Lieutenant of the Kingdom, nor go out of this Realm, without Assent of his Barons in Parliament: Which Act (tho' it was afterwards repealed) appears by the Preamble to have been in Affirmance of the Ancient Common Law of England.

Rot. Parl. 9.
Ed. 2. N. 1.

In the 9th Year of the same Reign, the King desir'd to be advis'd and assisted by his Parliament, in the War with Scotland; and the whole Militia of the Kingdom were rais'd by Authority of Parliament.

In the next Reign, which was that of K. Edward III. the King, by Advice of Parliament, named in the Parliament Commissioners for a Treaty with France; and Part of their Power and Business was there prescribed to them.

Rot. Parl. 5.
Ed. 3. N. 3.

In the same Year, the King was desired by his Parliament to go over into Ireland in Person, to suppress the Commotions there with as much Speed as possible. It was then likewise agreed in Parliament, in what manner the Lords and Great Men who had Possessions there, should act in the Defence of that Kingdom.

Rot. eodem;
N. 4.

In the 6th of the same Reign, the King consulted his Parliament about an Expedition to the Holy Land; and it was consented to in Parliament.

Rot. Parl. 6.
Ed. 3. Part 4.
N. 5.

In the 17th of the same Reign, the Causes of Summoning the Parliament were open'd to be, To treat and advise with the Lords and Commons, in relation to the Truce lately made in Britany between the King and his Adversary of France; and he acquainted them, That because the War was undertaken by the Joint Consent of Lords and Commons, he would not Treat of a Peace without the like Assent of his People.

Rot. Parl. 17.
Ed. 3. N. 7, 8.

In the 18th of the same King, we find him again Consulting Lords and Commons, in Matters relating to War and Peace; and not only so, but both Houses advis'd him in the very manner of making War.

Rot. Parl. 18.
Ed. 3. N. 6, 7,
8, 9.

In the 21st of the same Reign, the Causes of Calling the Parliament were recited; of which the principal was, to advise concerning the

Rot. Parl. 21.
Ed. 3. N. 4, 5.

the Truce, which was then expiring; viz. What should be done when it was expired?

Rot. Parl. 28.
Ed. 3. N. 58.

In the 28th of the same Reign, the Cause of Summoning the Parliament was declared to be, *The Treaty with France*: And the Lords and Commons were ask'd, Whether they would assent to a Peace, if by *Treaty* it could be had? The Commons answer'd, That what Issue in this Matter pleas'd the King and the Lords, would satisfy them. But this was not thought a sufficient Consent: The Lord Chamberlain therefore demanded of the Commons, *Do you then assent to a Treaty of Perpetual Peace?* Whereupon they all unanimously replied, *Yes, Yes.*

Rot. Parl. 29.
Ed. 3. N. 10.

In the 29th of the same Reign, the Occasion of the Summons of the Parliament was open'd, and 'twas declar'd to be *the Peace then in Transaction with France*. Upon the whole, the King desir'd the Advice of his Parliament, What was best to be done, to put an End to the War; and how he might conclude it with the least Grievance to the People, and most Advantage to himself.

Rot. Parl. 36.
Ed. 3. N. 6.

In the 36th of the same Reign, the Affairs of Scotland were debated in the House of Lords, and by the King's Command there was open'd an Offer in order to a future Peace, which had been made at York, at a *Treaty* between the King's Commissioners, and those of David Bruce, King of Scotland: And 'twas ask'd of the Lords, What they thought of the said Offer? Who unanimously answer'd, *They could not assent to it, as prejudicial to the King's Crown.*

In

In the 40th of the same Reign, the King consulted his Lords and Commons, how he should act, if Pope *Urban* the 5th should (as he threaten'd) proceed any way with him, or his Kingdom, about his pretended Claim to the Kingdom, by Virtue of the Surrender from King *John* to Pope *Innocent* the III^d; and the said Surrender was declared by the Lords and Commons to be *invalid*: And they further declared, That they would resist the Pope, and contest that Matter to the utmost of their Power.

Rot. Parl. 40.
Ed. 3. N. 7, 8.

In the 42^d of the same Reign, the Parliament was consulted about a Treaty of Peace with Scotland, then upon the Anvil.

Rot. Parl. 41.
Ed. 3. N. 7.

In the 43^d of the same Reign, the King acquainted the Parliament with the Terms of the Peace he had made with France by their Advice, and that France had broken them; and asks their further Advice and Counsel, which they then gave him, and which he pursued accordingly.

Rot. Parl. 43.
Ed. 3. N. 1, 2,
3, 8.

In the 45th of the same Reign, upon France's making great Preparations for War, the King calls a Parliament, and charges his Lords and Commons to give him Council how his Kingdom might be defended, and how his Foreign Territories might be guarded, and how he might make War in those Parts.

Rot. Parl. 45.
Ed. 3. N. 1.

In the 50th Year of the same Reign, the Cause of Assembling the Parliament was declared to be, To advise with both Houses how the War with France might be carry'd on with greater Vigor, and more to the Honour of the King and Kingdom. And the Chancellor affirm'd, That the King had ever mov'd by their

Rot. Parl. 50.
Ed. 3. N.

their Advice, which had been attended with Success.

Rot. Parl. 1. In the next Reign, which was that of
Rich. 2. N. 34. Richard the Second, 14 Articles between the King and the Duke of Britany, touching the Castles and Lordship of Brest, were read before the Lords, and all agreed to, except the 12th, which was remitted to be better consider'd of in Council.

Rot. Parl. 6. In the Sixth of the same Reign the Parlia-
Rich. 2. Part 1. ment was consulted about making Alliances
N. 10, 11, 12, with Portugal, and those of Flanders, to make
13, 14, 15, 23. War on Spain; and the Parliament agreed, that the Duke of Lancaster should be sent upon that Expedition; and it was provided for in that Sessions.

Rot. Parl. 6. In the Second Session of the same Parlia-
Rich. 2. Part 2. ment, the French having Invaded and Subdued almost all Flanders, the King desir'd that the Lords by themselves, and the Commons by themselves, would deliberately advise, whether the King could or ought to go over in Person; and if they thought he could not without hazarding his Reputation undertake the Voyage, Then that they would advise what Army should be sent, and what sort of Expedition there should or could be made, and under whose Conduct, and in what manner?

Rot. Parl. 7. In the Seventh of the same Reign it ap-
Rich. 2. Part 1. pear'd by Michael de la Poole, the then Chan-
N. 2, 3, 4. cellor's Speech to both Houses of Parliament, that they were consulted by the Throne in the very manner of making War.

In the next Sessions of the same Parliament, the said Chancellor *Michael de la Poole*, open'd to both Houses, How that one of the Causes of their present Assembling was, the Treaty of Peace with France, which he said the King would not conclude without their Assent, tho' he might do it (as 'twas conceiv'd) because France was the King's own proper Inheritance, and not belonging to the Crown of England. And he gave them a Copy of the Articles propos'd; and when the Parliament (for the Reason last mentioned) seem'd to decline giving the King any Advice, they were again charg'd by the King's Command to speak their Minds upon these Points thus: **DO YOU EITHER DESIRE PEACE OR WAR WITH YOUR ENEMIES OF FRANCE?** After which they advis'd the King upon the very Matter of the Articles.

Rot. Parl. 7.
Rich. 2. Part 2.
N. 3, 16, 17, 18.

In the 14th of the same Reign, the Bishop of *Worcester* open'd the Sessions, and acquainted the Parliament what Steps the King had made towards **A PEACE WITH FRANCE**, and a Truce with *Scotland*; and that there was more likelihood of a War with *Scotland* than a Peace; and that the King would do nothing in either of those Cases without their Advice and Assent.

Rot. Parl. 14.
Rich. 2. N. 1.

In the 15th of the same Reign, the Commons in full Parliament said, If there should be any Proceedings upon a Treaty of Peace, or Truce with France; That it seem'd to them expedient and necessary (if the King were so pleas'd) that the Duke of *Lancaster*, as being the most able Person in the Realm, should go thither to treat thereof; to which the King assented.

Rot. Parl. 15.
Rich. 2. N. 15.

The General
manages the
Treaty of
Peace.

D

In

Rot. Parl. 17. In the 17th of the same Reign, *there was a*
 Rich. 2. N. 16, *Peace with France* Ratified by Authority of
 17. Parliament upon the Conditions mentioned
 in the Roll.

Pa. 168, to 193. The same learned Author tells us indeed
 that afterwards, *viz.* in the 20th of the same
 Rot. Parl. 20. Reign, the King having made an Alliance
 Rich. 2. N. 9. with France, and having (in Aid of France)
 resolv'd upon a War, began to speak to his
 People in another manner, and to tell them,
That he would be at large, and at liberty to Com-
mand his People, and to send them in Aid of his
Friends, and to dispose of his own Goods at his Will,
and as often as he pleas'd.

Upon which the Doctor makes the follow-
 ing Remarks.

This is the first Instance I meet with in the
 Records of an *English* King's pretending to
 dispose of his People at his Will and Plea-
 sure. The Reasons offer'd for the Aids gi-
 ven to *France*, (which are at large set forth
 in the Parliament-Roll) are plausible, to pre-
 vent War, and to procure a lasting Peace.
 But this unfortunate Prince and his Ministers
 had other Ends, as in the Sequel appear'd.
 This *strict Alliance*, this Expedition in which
 the Commons were not consulted, and were
 not to enquire into, nor contradict, these
 good Turns; These Helps given to *France* at
 a time of need, were with no other inten-
 tion (as appear'd afterwards) than to secure
 all things on that side, to have that King and King-
 dom to Friend, and to be free from a Foreign War,
 when

when they were to put in Execution their great Design of subverting the Liberties of England.

For the very next Year, these Ministers, who had been so close and reserv'd in their Council, when they were thus surè of France; and as soon as by Fraud and Force they had got a Parliament to their Turn, not legally Elected, they fell in good Earnest to change the Constitution: And all these Motions came from a House of Commons. So that when the Notion came to be advanc'd, that Princes might make War and Peace, undertake Expeditions, and enter into Leagues of the highest Importance, without consulting their Parliaments; it was at a Season when all the Laws were intended to be overthrow'n. The King in those Days fortify'd, as he thought, by his French Alliance, was resolv'd to set up for Arbitrary Power; his Desperate Ministers were ready to Co-operate with him; and the House of Commons were so deprav'd, as to become the very Blood-hounds of the Court.

In the first Year of the next Reign, which was that of Henry the 4th, the King in full Parliament acquainted them, that he meant to undertake an Expedition against Scotland; and thereupon he commanded the Earl of Northumberland to propose the Question, to have their Advice upon it; and all the Lords being severally ask'd their Opinions, consented to it.

Rot. Parl. 1.
Hen. 4. N. 86.

In the 8th of the same Reign, the Chancellor shewed to the Lords, how that the King's Ambassadors had been in Prussia, and other Parts beyond the Seas, to treat of a Peace;

Rot. Parl. 8.
Hen. 4. N. 102.

and that upon an Agreement there made, a Proclamation was to issue out, importing, That the Subjects of *England* were to make certain Restitutions for Damages sustain'd by those Abroad: To which Proclamation the Lords agreed.

Rot. Parl. 1.
Hen. V. N. 2.

In the 11th Year of the next Reign, which was that of *Hen. V.* the Chancellor open'd the Causes, why the Parliament was summon'd: Among other things, he sets forth how necessary it was, *That the King's Friendships Abroad should be cherish'd, and that Provisions should be made to resist his Foreign Enemies: For all which it was requisite to have the good Advice of the Lords and Commons; That they were then Assembled to have their Council and Advice, in the Matters aforesaid.*

Rot. Parl. 3.
Hen. 6. N. 14.

In the third of the same Reign, the Causes of the Parliaments Meeting were open'd, *That the King had received certain Overtures of Peace, to be concluded between him and his Adversary of France; but that he would not conclude the PEACE without the Assent and good Advice of the ESTATES of the Realm.*

Rot. Parl. 4.
Hen. 5. N. 3.

In the 4th of the same Reign, the Chancellor told both Houses, They were now in the 6th Parliament, in which, by the kind Help and Counsel of the Lords and Commons there present, such Effects would be produc'd, and such Exploits would be perform'd, as that thereby, by God's high Grace, *the Dispute with France should be at an end; Wars should cease, and the Nation should come at lasting Peace and Quiet.*

In

In the same Year, an Alliance between the King and Sigismund, King of the Romans, was confirm'd, approv'd of, and ratify'd in Parliament. Rot. ibid. N. 14.

In the 2d of the next Reign, which was that of Henry VI. a Treaty between England and Scotland was enter'd upon by Authority of Parliament; and the King's Letters Patents, empowering the Ambassadors to Treat, were ratified in Parliament; the Commissioners were there likewise named, their Powers were there directed, and their Quorum was there appointed. Rot. Parl. 2. Hen. VI. N. 27.

In the 9th of the same Reign, the Dukes of Bedford and Gloucester, &c. were empower'd by Act of Parliament to enter upon a Treaty, and to conclude Peace with France, Spain, and Scotland. Rot. Parl. 9. Hen. VI. N. 18.

In the 14th of the same Reign, the Chancellor opening the Reasons why the Parliament was Assembled, said, *That the King must resolve to submit to a Delusory and mock Truce, then offer'd by France, or determine to assert his Title to that Kingdom and the Dutchy of Normandy with arm'd force. That to be advis'd in these and other Matters the King had call'd them together,* Rot. Parl. 14. Hen. VI. N. 2.

In the 23d of the same Reign, my Lord of Suffolk, the King's Ambassador to France in order to a Treaty of Peace; By the King's Command, open'd the Matters of his Negotiation to the Lords and Commons in Parliament, to have their Advice before the Arrival of the French Ambassadors here. Rot. Parl. 23. Hen. VI.

In the same Sessions, an Act was made to repeal a Clause in an Act passed in the former Reign, whereby certain Articles of Peace had Rot. ibid. N. 24.

had been ratified in Parliament, by which Articles it had been agreed, That neither Nation should make Peace with the Dauphin (afterwards Charles the Seventh of France) without Assent of the three Estates of each Kingdom.

Upon which, the Doctor makes the following Remark. By the way, *It seems the Ministers of State at that Time, were conscious they had incur'd the Danger of the Law, by clapping up a Peace with France without Assent of Parliament.* For in this Act of the 23d of Henry VI. they brought a Clause of Indemnity in these Words: "*And that no Person or*
 " Persons for his faithful Council given, or
 " to be given unto the King, after the Wit
 " and Grace that God had list to give him,
 " or any of them, shall be *impeach'd*, hurt,
 " or grieved, but shall stand therefore at all
 " Days quit and discharged against him and
 " his Heirs, and Successors for evermore,
 " &c.

Corrupt Statesmen, says the Doctor, will think they have here found a very fine President to be indemnify'd, let them give their Master never so faithless and unsound Advice. But mark what follows.

The Commons (for it appears plain enough from the Record, that the first Part of the Bill began in the House of Lords, and that the two last Proviso's were inserted in the House of Commons) brought in a Saving, whereby the Indemnity is restrain'd only to *that Counsel which the Ministers had then given of making Peace with France, without consulting the Parliament.* " Saving alway to the Reame
 " of

“ of *England*, and to all Leiges and Subjects
 “ thereof, their Heirs and Successors, all
 “ their Liberties, Freedoms, Laws, Customs,
 “ and Privileges, that they, their Ance-
 “ stors and Predecessors, have had within
 “ this Reame afore this time, except the
 “ Matter that is compriz’d in the Article
 “ above-said.

“ And that they and each of them be de- Ibid.
 “ mened and governed after the Laws, Usa-
 “ ges, and Customs, of the said Reame of
 “ *England*, and in none otherwise, this Act
 “ notwithstanding. Neither that ony Hurt
 “ nor Grieve in ony wise grow to the Co-
 “ myn of this Reame, their Heirs, nor Suc-
 “ cessors in time to come, by Force of this
 “ Act, nor by any thing therein contained.

Without such Saving (continues the Do-
 ctor) the fore-mention’d Clause had alter’d
 the whole Constitution of this Kingdom; *for*
the Ministers might have done what they pleas’d,
and cou’d have come off at last, with saying, They
acted to the best of their Skill and Knowledge. But
 ’tis evident from this Record, that the Sense
 of our Ancestors was, That they would have
 those who managed Affairs in Government,
always accountable to Parliament. And these
 Savings imply, that notwithstanding this In-
 demnity, and that in the Instance before
 them, they pardon’d *one false Step*, they did
 not mean it should be drawn into President,
 and that they would so far preserve their
Freedoms, Laws, Customs, and Privileges, that
not ony hurt nor greue might in ony wise grow to
the Comyn of this Reame by force of the said Act.
 And that if in after-times they give either
 weak

week or pernicious Councils, they should answer for it, and not plead in excuse, *That they had given the King Counsel after the Will and Grace God had list'd to give 'em.* For if they were unknowing in Affairs of State, and through notorious Ignorance err'd often; why did they undertake great Employments? It being necessarily true, that Ignorance and want of Foresight in Ministers, is as pernicious to the Commonwealth they govern, as Malice or Corruption.

Rot. Parl. 7.
Ed. IV. N. 26.

In the 7th of the next King's Reign, viz. of Edward the IV. the Chancellor, by the King's Command, laid before both Houses, *what Treaties and Alliances he had made against the Power of the French King,* in order to recover his Right and Title to the Crown of that Kingdom, and Possession of the same, wherein his Majesty crav'd their Advice and Assistance.

Rot. Parl. 13.
Edw. IV. N. 4.

In the 13th of the said Reign, a Treaty of Commerce between the King and the *Hans-Towns of Germany* was ratify'd in Parliament.

Richard the III. in his short Reign, had no Foreign Wars; and summon'd but one Parliament.

Baron's History of Henry VII. pag. 96.

His Successor *Henry VII.* (a Prince jealous enough of his Prerogative) had notwithstanding Recourse to his Parliament for their Advice, as soon as his intended War with France made it necessary. And he told them, that he had called that Parliament wholly for that Cause: - *And the Parliament advis'd him to undertake the War.*

But

But now (continues our Author) let us see what *Henry VIII.* did, whose Reign was the most Arbitrary and Tyrannical that *England* ever saw.

It was concluded by the whole Body of the Realm, in the High Court of Parliament assembled, That War should be made on the French King, and his Dominions: And an Act was thereupon made.

Our Author indeed produces but few Instances of this Nature, in the Reigns of *Edward VI.* *Philip* and *Mary*, and *Queen Elizabeth*: But he gives, for the Reason of the Want of such Precedents in the Two former of those Reigns, either the long Sitting of the same Parliament, or the Arts of the Ministers, who, he says, had found a way to extinguish the Publick Spirit by bribing the most Considerable of the Members with Pensions. And as to *Queen Elizabeth's* Reign, our Author says of her, That she plac'd her Hopes entirely in the Affections of her People. whom she ever courted, not by the false Arts of *DARK POLICY*, but by a *STEADY COURSE* of good Government. Her constant Course was to help the Weak against the Strong, so to keep the Ballance of Power even. Her Leagues had no Aim, but to Uphold and Strengthen the Protestant Religion and Interest in the Low Countries, in Germany, and in France: And all her Wars were chiefly made to oppose the immoderate Growth of the Spanish Monarchy, which at that time aspir'd to Universal Empire.

E

But

Hollingshed,
p. 812.
Crafton, p. 907.
Rot. Parl.
4. *Hen. VIII.*

Essay upon
Peace, &c.
p. 194, to 199.

P. 199, to 211.

But in the next Reign, says our Learned Civilian, (which was that of *James I.*) as the Court took other Measures, so the Parliament thought it their Duty to exert themselves in another Manner. This Question, *Where the Right lay of making War, Peace, and Alliances*, was, in this Reign brought upon the Stage, and many Messages and Addresses pass'd between the King and the House upon this Subject; which may be all found in *Rushworth's Collections*: And whereby it appear'd, that the Commons insisted upon it to be their Right, and no Breach of the Prerogative, to advise the King in Matters of War, and other the most arduous Affairs: And that the King's Affairs always went the worse, for not taking their Advice. To this the King himself after-

P. 211, to 219.

ward seem'd to agree. For *Anno Domini 1623. & 21. Jam. 19. die Feb.* the Sessions of Parliament began, and the King spoke thus,

“ I have Assembled you at this Time,
 “ to impart to you a Secret and Matter of
 “ great Importance, as can be to my State,
 “ and the State of my Children: Wherein I
 “ crave your best and safest Advice and
 “ Counsel, according as the Writ, whereby
 “ you were Assembled, imports, *That the*
 “ *King* would advise with you in Matters
 “ concerning his Estate and Dignity, &c.

And by Advice of Parliament, an End was put to the *strict Alliances* with *Spain*, then judg'd dangerous; and the Match with the *Infanta* was broke off, which had so long depended.

In

In the Reign of King *Charles I.* there were (says our Judicious Author) but little Foreign Transactions. *Private Councils*, a deprav'd Set of Ministers, who had neither Parts, nor Merit, nor any thing to recommend themselves to the Administration of Affairs, but a servile Resolution of doing whatsoever they should be commanded, prov'd the Ruin of that Unfortunate Prince, who, says our Doctor, had made a considerable Figure in Europe, if Things had been so managed by his Ministers, as that Parliaments might have been consulted.

In the Reign of King *Charles II.* the Question here treated of came to be as warmly agitated, as it was in the Reign of King *James I.*

In the Year 1664. the Parliament advis'd a War with *Holland*; and it was then thought no Ineroachment upon the Royal Authority.

In 1672. the Ministers were accus'd for engaging the King in War without Advice of Parliament: And tho' afterwards, in direct Terms, both Houses advis'd the King to a Peace, we don't find this resented by the Throne.

In the Year 1676. an Address of both Houses towards a stricter Alliance with the Confederatës, and leading to a War with *France*, was kindly taken.

In 1677. the Commons (notwithstanding the Threats and Flattery us'd to prevent it) so far intermeddled in Matters of Peace and War, as to advise the King, Not to make any Peace, but such as should reduce the French to the Terms of the *Pyrenean Treaty*.

To this indeed the *Ministers* suggested an *angry Answer*, and the *Prerogative* is highly insisted upon: But the *Commons* were so far from thinking themselves in the Wrong, that in a few Days they Address'd to the King, to recal and send away Ambassadors, and immediately to Declare, Proclaim, and Enter into an actual War.

In the Year 1678. the King by his Chancellor, gave the Parliament an Account of what Leagues or Treaties were perfected, or in Agitation, and desir'd their Advice therein; upon which the Commons desire to see those Leagues and Treaties; which was granted. But when the League Offensive and Defensive with Holland, came to be examin'd, they found it not pursuant to their Address, nor consistent with the Safety of the Realm. They desir'd the King to enter into the Alliances with the Emperor, the King of Spain, and the other Confederates: And tho' this Advice suited not with the Projects then on Foot, the *Prerogative* was not then insisted on; but the *MINISTERS* made the KING say, That having ask'd the Advice of both Houses, he would take no Resolution without the Lords concurrent Advice.

Thus, the Court (when any thing press'd upon France) held up this *Prerogative* as a Shield, which they laid aside as often as they saw Occasion; but still they claim'd by Words only, without giving any Precedent or Proof, and in Fact receded: Whereas the Commons, in no Instance yield up the Point, urging *Constant Practice*. And they did not only make a Claim, but asserted their Right by Overt-Acts, in their Ad-

Addresses actually advising the King in all the Matters now in Question.

And as a further Vindication of their Rights, they address to the King to remove; Whom? Those Counsellors who had advised these Answers.

The Learned Civilian defines *Prerogative* to be a Power intrusted with the Prince to act where the Laws are silent, and sometimes to act even against the Written Letter of the Law; for Preserving the Government upon Great and Sudden Emergencies, where he cannot Call the People's Representatives together soon enough to have their Consent. As for Example; upon a sudden Invasion the King can burn Houses, destroy Forage, remove or spoil Corn, and lay a whole Frontier Province waste, thereby to distress his Enemy, and to prevent his marching farther. And for the same Reason, upon such an Occasion, he may arm all his People, and compel them to defend their Country. And if in the doing this, he is forc'd to commit any Act seemingly irregular, he is justify'd by the Necessity. However, he cannot be said to do this by his *Authority*: For the Laws allow him not to injure any Man in his Property, nor to enforce the Service of his Subjects. He does it then by his *Prerogative*. But says he, if this *Prerogative* were to be allow'd, to act without the People's Consent, where their Consent might be had, there would be an End of Liberty. The Declaring War, Concluding Peace, and Signing and Ratifying Alliances, are Things wherein the Prince acts by his Royal Authority,

P. 205, &
220.

P. 221.

ty, rather than Prerogative; for these are Acts requiring the Personal Performance of some one or more, and consequently must be vested in the *Executive Power*. But this, says he, does not exclude any Part of the *Legislative Authority* from Interposing with their *Advice* in all these Matters as they shall see Occasion. From whence, says the Doctor, it follows by an inevitable Chain of Consequences, that both Houses of Parliament have a Right to be consulted in the *Beginning* concerning those important Affairs, upon which in the Conclusion they must *determine*.

And in Page 226 of the *Essay* so largely and often quoted, our Learned Politician lays down this Maxim, (which may serve to conclude this Head;) That where a Nation is to bear the Burden of a War; where 'tis to feel the Dismal Effects of an Unsound and Precarious Peace; and where no Money can be Rais'd to Support Wars or Alliances; but by Common Consent; 'twere an Absurdity in Government to imagine, that Matters of this Nature (upon which the Welfare or Ruin of the whole depends) should be transacted without the Advice or Assent of Parliaments.

This is the Account Dr. Davenant has given of the Parliament's Undoubted Right of being Consulted in Matters of Peace, War, Treaties and Alliances: And if in Answer to all that he has said, it should be objected, that the Judicious Author of the Supplement, from Dr. Chamberlain's Present State of England, seems to have advanc'd the contrary; I

dare leave it to the Determination even of the
most Prejudic'd Reader, *Whether Dr. Davenant,*
and the Records of the Tower, which shew forth
the Sense and Practice of so many Reigns and
Ages, or *Dr. Chamberlain and the Supplement,* be
of the greater Authority?

F I N I S.

have leave it to the Discretion even of the
most Prejudicial Dr. Davernant;
and the Records which shew forth
the Sense and many Reigns and
Ages, or Dr. Chalmers and the Supplement; be
of the greater Authority.



F. I. M. I. 2

